

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

United States of America
ex rel. ALEX DOE, Relator,

The State of Texas
ex rel. ALEX DOE, Relator,

The State of Louisiana
ex rel. ALEX DOE, Relator,

Plaintiffs,

v.

Planned Parenthood Federation of America, Inc.,
Planned Parenthood Gulf Coast, Inc., Planned
Parenthood of Greater Texas, Inc., Planned
Parenthood South Texas, Inc., Planned Parenthood
Cameron County, Inc., Planned Parenthood San
Antonio, Inc.,

Defendants.

CIVIL ACTION NO. 2:21-CV-
00022-Z

**DEFENDANTS' NOTICE OF WITHDRAWAL OF MAY 26, 2022 SUBPOENA AND
MOTION TO COMPEL [DKTS. 106, 108]**

PLEASE TAKE NOTICE that Defendants Planned Parenthood Federation of America, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood of Greater Texas, Inc., Planned Parenthood South Texas, Inc., Planned Parenthood Cameron County, Inc., and Planned Parenthood San Antonio, Inc. (collectively, "Defendants") hereby withdraw their May 26, 2022 subpoena issued to the U.S. Department of Health and Human Services ("HHS"), and its constituent agencies (Dkt. 106-3), and their motion to compel production of documents responsive to that subpoena (Dkts. 106, 108).

As discussed in greater detail in the motion to compel (Dkt. 106), Defendants previously met and conferred with the Department of Justice, HHS, the Centers for Medicare & Medicaid Services (“CMS”), a component of HHS (collectively, the “Government”), regarding the scope of Defendants’ subpoena and the Government’s efforts to produce documents responsive to the subpoena. The Government recently contacted counsel for Defendants and requested additional time to continue to meet and confer regarding these issues to determine if the current dispute can be avoided or, at a minimum, limited.

Defendants are mindful of the Court’s clear instructions that efforts to delay resolution of the case will not be permitted (Dkt. 122) and do not intend to use a delay, if any, in their efforts to obtain discovery from the Government as grounds to seek any extension of the schedule. Rather, Defendants and the Government will continue their discussions in good faith to determine whether they can come to an agreement or at least narrow the scope of the dispute, which would preserve judicial resources. Counsel for the Government has represented that if the parties are unsuccessful in their efforts to avoid a dispute and a new motion to compel documents becomes necessary, the Government will not object to that motion on procedural grounds stemming from Defendants’ agreement to withdraw their subpoena and prior motion to compel, including as to the timeliness of a new motion to compel.

Accordingly, Defendants hereby withdraw their May 26, 2022 subpoena and their June 27, 2022 motion to compel (Dkts. 106, 108) without prejudice to their ability to file a new motion to compel should the need arise. Defendants and the Government have agreed to continue to meet and confer and that Defendants will issue a new subpoena to the Government by August 1, 2022 with a response date seven days later.

Dated: July 18, 2022

Respectfully submitted,

**ARNOLD & PORTER KAYE SCHOLER
LLP**

By /s/ Tirzah S. Lollar
CRAIG D. MARGOLIS (admitted *pro hac vice*)
Craig.Margolis@arnoldporter.com
TIRZAH S. LOLLAR (admitted *pro hac vice*)
Tirzah.Lollar@arnoldporter.com
CHRISTIAN D. SHEEHAN (admitted *pro hac vice*)
Christian.Sheehan@arnoldporter.com
601 Massachusetts Ave, NW
Washington, DC 20001-3743
Tel: (202) 942-6000
Fax: (202) 942-5999

CHRISTOPHER M. ODELL
Texas State Bar No. 24037205
Christopher.Odell@arnoldporter.com
700 Louisiana Street, Suite 4000
Houston, TX 77002-2755
Telephone: +1 713.576.2400
Fax: +1 713.576.2499

BLACKBURN BROWN LLP
RYAN PATRICK BROWN
Texas State Bar No. 24073967
brown@blackburnbrownlaw.com
1222 S. Fillmore
Amarillo, TX 79101
Tel: (806) 371-8333
Fax: (806) 350-7716

Attorneys for Affiliate Defendants

O'MELVENY & MEYERS LLP

/s/ Danny S. Ashby

DANNY S. ASHBY

Texas Bar No. 01370960

dashby@omm.com

JUSTIN R. CHAPA

Texas Bar No. 24074019

jchapa@omm.com

2501 N. Harwood Street, Suite 1700

Dallas, TX 75201

Tel: (972) 360-1900

Fax: (972) 360-1901

LEAH GODESKY (admitted *pro hac*
vice)

lgodesky@omm.com

1999 Avenue of the Stars, 8th Floor

Los Angeles, CA 90067

Tel: (310) 553-6700

Fax: (310) 246-6779

BLACKBURN BROWN LLP

RYAN PATRICK BROWN

Texas Bar No. 24073967

brown@blackburnbrownlaw.com

1222 S. Fillmore Street

Amarillo, TX 79101

Tel: (806) 371-8333

Fax: (806) 350-7716

*Attorneys for Defendant Planned
Parenthood Federation of America, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2022, the foregoing document was electronically filed with the Clerk of Court using CM/ECF.

/s Tirzah S. Lollar
Tirzah S. Lollar